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**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA**

**FOURTH APPELLATE DISTRICT**

**DIVISION TWO**

THE PEOPLE,

Plaintiff and Respondent,

v.

JARED SPEARMAN,

Defendant and Appellant.

E056873

(Super.Ct.No. FMB1200138)

OPINION

APPEAL from the Superior Court of San Bernardino County. Daniel W. Detienne, Judge. Affirmed.

Richard Schwartzberg, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

Pursuant to a plea agreement, defendant and appellant Jared Spearman pled guilty to one count of lewd act upon a child (Pen. Code, § 288, subd. (a)) in exchange for a three-year prison term. Defendant appeals, challenging the sentence or other matters occurring after the plea. We find no error and affirm the judgment.

## FACTUAL AND PROCEDURAL BACKGROUND<sup>1</sup>

On New Year's Eve 2007, the 13-year-old victim was babysitting for defendant and his wife. The victim fell asleep in their bed. When defendant and his intoxicated wife returned home, they both got into the bed with the victim. Defendant was not intoxicated since he was the designated driver. The victim woke up to find defendant fondling her breasts and vagina underneath her clothing. The victim did not report the incident until April 2010. In February 2012, after submitting to a polygraph examination, which revealed deception when defendant was asked about molesting the victim, defendant admitted to touching the victim's breast and vagina for about one or two minutes.

On March 26, 2012, a one-count felony complaint was filed, charging defendant with committing a lewd act upon a child. (Pen. Code, § 288, subd. (a).)

On June 19, 2012, defendant pled guilty as charged in exchange for a stipulated three-year sentence. After directly examining defendant, the trial court found that defendant understood the nature and consequences of the plea and the offenses; that the plea was entered into freely and voluntarily; and that defendant knowingly and intelligently waived his rights.

On August 1, 2012, defendant was sentenced in accordance with his plea agreement and awarded 77 days (67 actual days plus 10 conduct days) of presentence custody credits.

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<sup>1</sup> The factual background is taken from the probation officer's report.

On August 2, 2012, defendant filed a notice of appeal challenging the sentence or other matters occurring after the plea, as well as other basis for the appeal. Defendant also filed a request for a certificate of probable cause, which the trial court denied.

#### DISCUSSION

Defendant appealed and, upon his request, this court appointed counsel to represent him. Counsel has filed a brief under the authority of *People v. Wende* (1979) 25 Cal.3d 436 and *Anders v. California* (1967) 386 U.S. 738, setting forth a statement of the case, a summary of the facts and potential arguable issues, and requesting this court to conduct an independent review of the record.

We offered defendant an opportunity to file a personal supplemental brief, but he has not done so. Pursuant to the mandate of *People v. Kelly* (2006) 40 Cal.4th 106, we have independently reviewed the record for potential error and find no arguable issues.

#### DISPOSITION

The judgment is affirmed.

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RAMIREZ

P. J.

We concur:

McKINSTER

J.

MILLER

J.